

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 659 OF 2016
WITH
CRIMINAL APPLICATION NO.538 OF 2019**

Mr. Ramesh Rajendra Menon	Applicant
versus	
The State of Maharashtra and anr.	Respondents

Mr. Manoj S. Mohite i/b. Mr. Rajeev Sawant and Associates, advocates for the applicant.
Mr. Deepak Thakare, PP along with Mr. F. R. Shaikh, APP for the State.
Mr. Jayesh Gopal Gawade, advocate for respondent No.2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 19th JUNE, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application No.659 of 2016 is seeking quashment of FIR No.266 of 2016 registered with Santa Nagar Police Station, Kandivali, at the instance of respondent No.2 for offences punishable under Sections 341, 354-D, 430, 506 and 34 of the Indian Penal Code, 1860 (for short "the IPC"). This application was placed before a Division Bench of this Court and, after hearing learned counsel for the applicant and learned APP, the Court directed the Registry to issue notice to 2nd respondent/complainant. By way of ad-interim relief, the Division Bench

directed to proceed with the investigation in the subject crime but not to file charge-sheet against the applicant. Subsequently, when the matter was placed before the Division Bench on 14th February, 2019, the Division Bench permitted the Investigating Officer to file charge-sheet in the competent court within three weeks. The applicant was also directed to place on record copies of the charge-sheet.

3. Meanwhile, the applicant and respondent No.2 settled their dispute amicably and entered into consent terms dated 19th June, 2019. In paragraph 3 of the consent terms, it is agreed that respondent No.2 has received possession of the flat in question. In paragraph 4, respondent No.2 has accepted that due to misunderstanding between him and the applicant, the FIR came to be registered with Samta Nagar Police Station. In paragraphs 5 and 6, he has given his no object to quash the subject FIR.

4. In the light of the above, the above criminal application No.538 of 2019 is filed for quashing the subject FIR and charge-sheet, if any.

5. The above consent terms are taken on record. Respondent No.2 has also filed a separate affidavit dated 20th March, 2019. In paragraph 7, he has given his no objection to quash the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the proceedings of the subject criminal case out of his own free will and without

there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal case pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, the FIR No.266 of 2016 registered with Santa Nagar Police Station, Kandivali along with charge-sheet if any, are quashed and set-aside subject to payment of costs of 20,000/- by the applicant to “**Tata Memorial Hospital**” an institution that takes care of advanced and terminally ill cancer patients and, thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal applications shall stand dismissed automatically without further reference to the Court and order quashing the criminal proceedings shall be treated as non-est.

7. Subject to above, the criminal applications are disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]